

DEED OF WILL/ Wasiyatnama

This Deed of WILL/ Wasiyatnama is made on this the 19th day of January, 2016 of the Christian era.

I, **MRS. JAHANARA ALAM**, wife of Late Shamsul Alam Sikder and daughter of Late Amulla Nath Lahiri and Shanti Lahiri, aged about 73 years (Date of birth: 5th July 1949), bearing NID No. 2693625695567 of House No. 417, East Goran, Khilgaon, Dhaka-1219, by faith- Muslim, by Occupation- Housewife, Nationality- Bangladeshi by birth (hereinafter referred to as the “**Testator**”), do hereby solemnly affirm and declare as follows :-

1. That, I have obtained Title and Ownership of the scheduled property along with other properties by way of inheritance from my deceased husband *in respect of property of Sale Deed No. 14791 dated 18.08.1970* land measuring an area of 8.25 **decimals** or 5 kathas, *Sale Deed No. 2520 dated 19.6.1952* land measuring 02 acre and 8 decimals land; *sale deed no. 189 dated 6.1.1947* land measuring 19 decimals land out of 57 decimals from 1 acre and 13 decimals (hereinafter referred to as the “**Schedule A Property**”) & *all other movable and immovable properties owned or to be owned by the Testator/principal privately, jointly or others either divided or undivided and demarcated.*
2. That I also have other movable assets such as cash and bank balance, Bangladesh Shanchya Patra, investment in Securities, vehicle etc., more fully specified in the schedule below (hereinafter referred to as the “**Schedule B Property**”) which I have acquired out of savings, gifts and inheritance from my husbands and parents.

(Hereinafter the Schedule-A Property and Schedule-B Property are collectively referred to as the “**Scheduled Property**”).

3. That I have other immovable and movable assets. Therefore, the Scheduled Property is the one-third portion of the total property that is subject to this Will/ wasiyatnama.
4. That out of natural love and affection for my son namely **S M MONIRUL ALAM**, son of Late Shamsul Alam Sikder and Mrs. Jahanara Alam, bearing NID No. 2693625695568, I, in good health and in sound mind and out of my free will and without any influence from any person or persons and in presence of the following witnesses :-

(i) **SHARMINA ALAM KHAN**, having NID-7625511181004, wife of Md. Ismail Khan, of House 50/21, Protya Nibash., Post –Pabna-6600, Poilanpur, Power House zone, Pabna Sadar, Pabna;

(ii) **NASRIN AKTER SHILPI**, having NID-2693625695566, wife of Monirul Alam, House-417, East Goran, Post-Khilgaon, Dhaka-1219;

made this **WILL**/codicil/probate/testament/bequest/**wasiyatnama** for making an oral gift of my following assets and properties in favor of my Son **S M MONIRUL ALAM** as specified hereunder:

(A) that the **Schedule A Property** shall be vested on my son as aforesaid, in accordance with strict principles of the Muslim Law and that the title will move only after the death of myself and that too under the following guiding principles:

(A1) that as long as the **Schedule A Property** remain in existence the Vendee shall enjoy and use the **Schedule A Property** as owner and **S M MONIRUL ALAM**, the son or in his absence, **HIS HEIRS**, or any competent legal heir of the Vendee as to be mutually agreed shall carry out the responsibility of day to day administration, maintenance and supervision as he or she deems fit including payment of government land and other taxes and Dhaka City Corporation tax etc. and also:

- (i) to use the **Schedule A Property** as income generating assets by renting on short term at competitive rent;
- (ii) to incur the necessary/reasonable repairs, renovation and maintenance expenses including periodical painting of the **Schedule A Property** from its rental income;
- (iii) to pay Dhaka City Corporation and other applicable tax on the rental income of the **Schedule A Property**, net of allowable deductions and any other charges payable to the CONCERN AUTHORITY and/ or any regulatory bodies;
- (iv) to incur/distribute at least 10% rental income for meeting genuine religions and/or humanitarian activities for the benefit of orphan and other needy/poor people's; and
- (v) to enjoy the scheduled and un-scheduled properties in my ownership and title for the benefit of the above Vendee as my true attorney/ representative and to transfer in any manner by dint of this power/will, if required despite above terms and conditions of the WILL.

(A2) that after effectiveness of this WILL, if a situation arises in future when the Vendee/testate namely- **S M MONIRUL ALAM**, and/ or HIS legal heirs mutually agrees in writing to dismantle the **Schedule A Property** arising out of any commercial consideration and/or due to any force major situation then the total land as specified in Schedule A Property shall be divided/distributed in accordance with the strict principles

of Muslim Law after keeping adequate common entrance and other space as necessary on mutual agreement and that too only after the death of myself to ensure peaceful and honourable co-existence, if required.

(B) That the **Schedule B Property**, which I have acquired out of savings, gifts, succession etc, or from income earned during my life, shall be vested on the vendee/testate in accordance with the strict principles of Muslim Law and that too only after the death of myself.

(C) This **WILL/wasiyatnama** is made for making oral gift of the **Scheduled Property**, i.e. **one-third out of total properties**, on the basis of the following understanding and principles and compliance of those principles and/or conditions shall be binding on the above mentioned Vendees and their legal heirs, successors-in-interest and assigns:

(D) that the actual physical possession of the **Scheduled Property**, i.e. one-third out of total properties, will be accepted by him on delivery of possession of the same to my son, **S M MONIRUL ALAM**, only after the death of myself and only then HE will assume title and become the absolute owner of the schedule property free from any encumbrance on the principles and basis as stipulated above.

(D1) that this WILL is made by me voluntarily, out of free will and love for my aforesaid son, **S M MONIRUL ALAM**, the Vendee/testate of the WILL without any coercion, fraud or misrepresentation on the part of any person or persons and I had divested my all rights, title and interests in the **Scheduled Property and/or all properties not stated in the schedule of this WILL but owned by me at present or to be owned in future or will confer on me afterwards or belongs to me at present or to be vested on me in future by lawful means**, i.e. one-third out of total scheduled properties including the above, in favour of the said Vendee/Testate, which will be effective and operational only after the death of myself.

(D2) that the **Scheduled Property** is free from any encumbrances and I have full right to make WILL of the same to my said son, **S M MONIRUL ALAM**.

(D3) that this WILL is made in writing to fully effectuate and carry out the purpose and intent of the said WILL and also to facilitate the Vendees to exercise their respective rights, interests and privileges relating to the Scheduled Property, i.e. one-third out of total properties, including mutation/allotment of his name as landlord on happening/completion of events in due course and once the Vendee acquire full and unfettered right to deal with or dispose of the Scheduled Property, i.e. one-third out of total properties, or any part thereof at his discretion expedience and convenience and in any manner including by sale, mortgage, transfer, exchange or otherwise her/his interest, right or title in the Scheduled Property, i.e. one-third out of total properties,. However, the Vendee and/or his legal heirs can exercise this right only after death of myself.

(D4) that by virtue of the said WILL, **S M MONIRUL ALAM** will, on completion of event stipulated, become the absolute owners of the **Scheduled Property**, i.e. one-third out of total properties, on principle as stipulated above with all powers to transfer and enjoyment of the same in any manner they like by mutating HIS name with all the relevant offices and authorities including RAJUK and on payment of rent and tax in his name, where required.

(D5) that I further declare that, I have not done anything, nor consciously or knowingly did anything, which in any way would prevent me from making this WILL to convey the right, title and interest in the Schedule Property, i.e. one-third out of total properties, to the aforesaid Vendees/testate/attorney/assignee absolutely.

5. This WILL shall be effective and operational only after death of myself Mrs. JAHANARA ALAM, and legally binding on all the concerned including Vendee/TESTATEE and/or his legal heirs.

SCHEDULE OF THE PROPERTY

SCHEDULE-A

In respect of property of Sale Deed Nos. 14791 dated 18.08.1970, Sale Deed No. 2520 dated 19.6.1952; sale deed no. 189 dated 6.1.1947 & all other movable and immovable properties owned or to be owned by the principal privately, jointly or others either divided or undivided and demarcated.

Regarding Deed No. 14791 dated 18.08.1970

All that piece and parcel of a land measuring 08 and $\frac{1}{4}$ decimals land or 05 Kathas and recorded in Dhaka City jarip as 7.80 decimal situated within District: Dhaka, P.S. & Sub-Register Office-sabek Ramna, Dhaka Collectorate and now Khilgaon, Gulshan, Touzi No. 7656, Mouza no. 288, Goran, Dhaka City Jarip. Khatian 3078, Mouza- Goran, Thana- sabek Shabujbgh and now Khilgaon, J.L.No.4, Dag no. 5027, Holding no. 112/16; Khatian No. 83, Dag No. 336, Mutation Khatian No. 135, along with 2 (two) storied building with a tin shed constructed or all building, structures to be constructed thereon in future with all other rights, interest, titles, easements, benefit attached or appertaining to the land.

On the North: Road;

On the South: Road;

On the East: **N Z Tower**

On the West: Abul Ashraf

The land measuring an area of 8.25 **decimals** or 5 kathas but in Dhaka City Jarip 7.80 decimal along with all other structures and building constructed or to be constructed thereon with all right, easement, interests etc, attached thereto.

Regarding Deed No. 2520 dated 19.06.1952

All that piece and parcel of a land measuring 2 acre and 84 decimals land situated within District Faridpur (sabek Jessore), P.S. & Sub-Register Office- Alfadanga, Touzi No. 2573, Mouza no. 57,Alfadanga, Jessore. Khatian No. 874, Dag No. 336, along with building constructed or all building, structures to be constructed thereon in future with all other rights, interest, titles, easements, benefit attached or appertaining to the land.

On the North: Road
On the South: self property
On the East: self property
On the West: Family property

Regarding Deed No. 189 dated 6.1.1947

All that piece and parcel of a land measuring 19 decimals land out of 57 decimals from 1 acre and 13 decimals (40 decimal in dag no.332; 36 decimal in dag no. 1097; and 37 decimal in dag no. 1096) situated within District Faridpur, P.S. & Sub-Register Office- Alfadanga, Touzi No. 337/335/336, Mouza no. 57, Mala Mouza, sabek Jessore. Khatian No. 540, dag no. 1768 (rayat), Dag No. 336, along with pacca building constructed or all building, structures to be constructed thereon in future with all other rights, interest, titles, easements, benefit attached or appertaining to the land.

On the North: self property **On the South:** Road
On the East: Family Property **On the West:** ...Family property

And also of 13 decimals land in J L No. 57, khatian no. 1088, dag no. 1756 in Faridpur district, Thana- Alfadanga situated in mala mouza. And all other movable and immovable properties having any right, interest or title accrued either at present or in future.

SCHEDULE B

All kinds of movable assets/ properties owned at present or to be owned including Cash, Bank Deposit, Bangladesh Sanchaya Patra, Vehicle, and Investment in Capital Market etc. having any rights, interest or title accrued either at present or in future.

IN WITNESSES WHEREOF THE TESTATOR HEREUNTO EXECUTES THIS DEED OF WILL ON THE DAY, OF THE MONTH AND THE YEAR AS MENTIONED ABOVE.

SIGNED IN PRESENCE OF

EXECUTED BY:

1. _____
Name: Sharmina Alam Khan
Father's Name: Late Shamsul Alam
Sikder
Address: House 50/21, Protya Nibash,
Post –Pabna-6600, Poilanpur, Power
House zone, Pabna Sadar, Pabna.

MRS. JAHANARA ALAM
(the Testator)

2. _____
Name: Nasrin Akter Shilpi
Father's Name:
Address: 417, East Goran,
Khilgaon, Dhaka-1219

Composed & Drafted by:

Ahamuduz zaman
Advocate,
Supreme Court of Bangladesh
House # 2A, Road # 19
Uttara, Sector-11, Dhaka-1230.

BEFORE THE NOTARY PUBLIC, DHAKA, BANGLADESH

AFFIDAVIT

I, **MRS. JAHANARA ALAM**, wife of Late Shamsul Alam Sikder, Date of Birth: 5th July, 1949 bearing NID No. 2693625695567 of House No. 417, East Goran, Post Office- Khilgaon, P.S. Khilgaon, District- Dhaka-1219, by faith- Muslim, by Profession- Housewife, do hereby solemnly affirm and declare or say as follows:

1. That I am law-abiding citizen and permanently residing in Bangladesh.
2. That I execute this Deed of Will.
3. That the scheduled properties are not attached under the Bangladesh Collaborators (Special Tribunal Order 1972) P.O. No. 8 of 1972.
4. That the scheduled properties are not abandoned properties within the meaning of the Bangladesh Abandoned Property (Control, Management and Disposal) Order 1972 (P.O. No. 16 of 1972).
5. That the scheduled properties have not been vested in or do not stand forfeited to the Government under any law for the time being in force.
6. That the scheduled properties are not liable to be void under Article No. 5 of the Bangladesh Land Holding (Limitation) Order 1972 (P.O. No. 98 of 1972).

7. That the scheduled properties do not contravene any provision of any other law for the time being in force.
8. That the scheduled properties have been correctly described and I have transferable right in the property.

THE STATEMENTS MADE ABOVE ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND IN VERIFICATION WHEREOF, THIS AFFIDAVIT IS SIGNED ON THIS THE 19TH DAY OF JANUARY, 2016 OF THE CHRISTIAN ERA.

MRS. JAHANARA ALAM

(Signature of the Deponent)

The deponent is known to me, identified by me and has signed in my presence.

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